IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 32793 of 2006(D)

PETITIONER:

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1. ALICE ETTICKAL,
   MANIYARANKUDY P.O., IDUKKI DISTRICT.

2. K.S.SIMON, KOONAMMACKEL HOUSE,
   MANIYARANKUDY P.O., IDUKKI DISTRICT.

3. TOMY AUGUSTINE,
   MANIMALAYIL HOUSE, MANIYARANKUDY P.O.,
   IDUKKI DISTRICT.

4. SHIJU VADAKKEMALA,
   MANIYARANKUDY P.O., IDUKKI DISTRICT.

5. JOHN PARAYIL, PARAYIL HOUSE,
   MANIYARANKUDY P.O., IDUKKI DISTRICT.

BY ADV. SRI.JOSE DAVIS

RESPONDENTS:

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1. THE DEPUTY DIRECTOR,
   DIARY DEVELOPMENT, THODUPUZHA P.O.,
   IDUKKI.

2. MANIYARANKUDY KSHEEROLPADAKA
   CO-OPERATIVE SOCIETIES LTD.NO.105(D) APCOS,
   MANIYARANKUDY P.O., IDUKKI DISTRICT,
   REPRESENTED BY ITS SECRETARY.

3. T.T.VINCENT, THAKARAPARAPILLY HOUSE,
   MANIYARANAKUDI P.O., IDUKKI DISTRICT.

BY GOVERNMENT PLEADER P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 32793/2006

Dated this the 11th day of December, 2006

JUDGMENT

The writ petitioners are the members of the Board of the second respondent, Co-operative Society. They had been found defaulters to the Vazhathoppu Service Co-operative Bank Ltd. No.E 202, Idukki, by the Arbitration Court, Thiruvananthapuram, as per its award dated 7.7.2006 in A.R.C.No.71/2003. Therefore, they were disqualified to be elected or to continue as members of the Board of management of the second respondent, Society.

2. Under Section 82(1)(a) of the Kerala Co-operative Societies Act, 1969, in short 'the Act', appeals to the tribunal, by any aggrieved person from the award of the Co-operative Arbitration Court, could be preferred. Therefore, the writ petitioners has to approach the Arbitration Tribunal.

3. However, the writ petitioners submits, as averred in Paragraph 2 of the writ petition, that the

Arbitration Court had issued the certified copy of the award to the third respondent only on 1.12.2006. When the third respondent produced the copy of the said award before the second respondent, society, the writ petitioners came to know of it, and there is hasty action by the second respondent to remove the writ petitioners from the post, on superseding them with administrators. Therefore, the learned counsel for the writ petitioners submits that sufficient time may be granted, so that the writ petitioners could approach the Arbitration Tribunal, challenging the award passed by the Arbitration Court.

4. In the above facts situation, I direct that there shall be no action against the writ petitioners by the respondents 1 and 2 for a period of three weeks, so as to enable them to resort to appeal before the Arbitration Tribunal, as per the Act.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs